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UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

20 U.S. EQUAL EMPLOYMENT
21 OPPORTUNITY COMMISSION,

22 Plaintiff,

23 v.

24 LEO PALACE RESORT,

25 Defendant.

26 } Case No.: 2:06-CV-00028

27 } DECLARATION OF PHILLIP
28 } TORRES IN SUPPORT OF
} PLAINTIFF EEOC'S OPPOSITION
} TO DEFENDANT'S MOTION TO
} DISMISS EMOTIONAL DISTRESS
} CLAIMS OF PLAINTIFF-
} INTERVENOR HOLBROOK

29 JENNIFER HOLBROOK; VIVIENE
30 VILLANUEVA; and ROSEMARIE
31 TAIMANGLO,

32 Plaintiff-Intervenors,

33 v.

34 MDI GUAM CORPORATION d/b/a LEO
35 PALACE RESORT MANENGGON
36 HILLS and DOES 1 through 10,

37 Defendants.

FILED
DISTRICT COURT OF GUAM

OCT 29 2007 *Nbo*

JEANNE G. QUINATA
Clerk of Court

1 I, Phillip Torres, declare and state:

2 1. I am an attorney representing Plaintiff-Intervenors in the current matter. I
3 have personal knowledge of the facts stated herein, and if called as a witness to testify as
4 to the matters stated herein, I could and would competently do so.
5

6 2. On October 22, 2007, I attended the reconvened deposition of Tom
7 Babauta, MSW.

8 3. At no time prior to the October 22, 2007 deposition of Mr. Babauta was my
9 office informed that Defendant LeoPalace believed Mr. Babauta's handwritten notes and
10 therapy records regarding his sessions with Ms. Holbrook were not included with Mr.
11 Babauta's response to the Court's Order to Produce.
12

13 4. At no time prior to the October 22, 2007 deposition of Mr. Babauta was my
14 office informed by Mr. Babauta that his handwritten notes and therapy records regarding
15 his sessions with Ms. Holbrook were not included with Mr. Babauta's response to the
16 Court's Order to Produce.
17

18 5. Counsel for Defendant LeoPalace did not inform my office about the
19 Motion to Dismiss prior to filing the motion on October 22, 2007.
20

21 I declare under penalty of perjury that the foregoing is true and correct. Executed
22 this 29th day of October, 2007, at Hagatna, Guam.
23

24
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28



PHILLIP TORRES